Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada

NWT Plain Talk

On Land and Self-government

February 2004

August 23, 2003 -
The Children of [illegible] sang O Canada at a ceremony marking the completion of another big step towards self-government for their communities: the signing of the [illegible] Self-Government Agreement-in-Principle. Negotiations are now underway to complete a final agreement that will create an Aboriginal public government in the [illegible] District.

A watershed year for land and self-government negotiations in the NWT

In the world of land and self-government negotiations, it can be hard to see progress from the outside. Negotiators have to tackle a wide range of complex issues and agreements can take years to complete. But when the hard work finally pays off, there is cause to celebrate.

This edition of *Plain Talk* is dedicated to celebrating the successes of 2003. It was a banner year for land and self-government negotiations in the NWT, marked by the signing of the territory's first-ever combined land claim and self-government agreement, two self-government agreements-in-principle, and a number of important interim arrangements in other regions.

Tłı̨chǫ make history

The eyes of the world were on the NWT on August 25, 2003 when the community of Rae welcomed hundreds of people, including Prime Minister Jean Chrétien, and numerous other dignitaries for the signing of the *Tłı̨chǫ* Agreement. It was an event that attracted not only national media attention, but also media from the United States, the United Kingdom and Germany.

The *Tłı̨chǫ* Agreement is the first in the NWT to combine land claim and self-government agreements. Once the necessary federal legislation is passed, the Tłı̨chǫ will be the first Aboriginal group in the NWT to own lands and be the primary government on those lands.

A step closer to self-government in the Beaufort-Delta and Déline

The signing of an Agreement-in-Principle (AIP) means the negotiating Parties agreed on most of the major elements that will make up the final agreement. This stage often takes longer than any other part of the negotiation process, so seeing two AIPs signed in one year is a major achievement.

The Gwich'in and Inuvialuit Self-Government AIP in the Beaufort-Delta was signed in Inuvik on April 16th. The Déline Self-Government AIP was signed on August 23rd in the Sahtu community of Déline. These agreements were years in the making and establish a basis for final self-government agreements that will give Aboriginal people in these regions greater decision-making powers. In both cases, land and resource issues in the region had been resolved several years ago through land claim settlement agreements. The next and final step is the negotiation and signing of a self-government agreement.

Interim measures provide clarity and comfort

A key objective of land and self-government negotiations is to clarify who owns and has rights to land and resources and how they will be managed. Ultimately, this certainty is achieved through a final agreement, but this can take many years to negotiate. That is why the Parties usually agree on a set of temporary measures that will apply while the negotiations are taking place.

These "interim measures" can include interim land withdrawals, pre-screening processes for land, water and resource management decisions, and other measures. This year, important interim measures were achieved at the Deh Cho, Akaitcho and Northwest Territory Métis Nation negotiation tables. Together, these measures are providing additional clarity and predictability in the land access and regulatory regime. This gives the Aboriginal group comfort its interests will be considered while negotiations proceed and helps create a more stable business and investment environment. ■■■■

The purpose of our newsletter is to keep you informed on the progress of land and self-government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of the Department of Indian Affairs and Northern Development (DIAND), we hope you will find our newsletter informative and easy to read.

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2003 The Year in Review

It was a year to remember for land and self-government negotiations in the NWT. *Plain Talk* captures some of those moments here in pictures, sums up the year's achievements and takes a look ahead.

Déline Self-Government Negotiations

The Sahtu Dene and Métis Comprehensive Land Claim (1993) gave each Sahtu community the option to negotiate its own self-government arrangement. **Déline** is the first Sahtu community to negotiate self-government. The negotiations involve the **Déline** Dene Band, the **Déline** Land Corporation, the Government of Canada and the Government of the Northwest Territories.

Highlight of the Year

Déline Self-Government Agreement-in-Principle (AIP) signed (Déline, August 23) – The AIP describes how an Aboriginal public government would work in the **Déline** District. The **Déline** First Nation Government (DFNG) will have law-making powers over the administration, management and operation of its government structures, as well as jurisdictions such as elections, **Déline** First Nation citizenship, primary and secondary education, adult education and training, local services, adoption, child and family services, social housing, income support, language, culture and spirituality, and traditional healing services.

What Next?

Final Agreement negotiations are well under way and working groups have been established to address and clarify several subject matters such as taxation, financing and implementation.

Chief Raymond Taltcho signed the **Déline** Self-Government Agreement-in-Principle on behalf of the **Déline** Dene Band.

Beaufort-Delta Self-Government Negotiations

The Inuvialuit and the Gwich'in of the Beaufort Delta region already have settled land claims. They are now negotiating a self-government agreement together. Negotiations involve the Inuvialuit Regional Corporation, the Gwich'in Tribal Council, the Government of Canada and the Government of the Northwest Territories.

Highlight of the Year

The Agreement-in-Principle (AIP) for Beaufort-Delta self-government was signed (Inuvik, April 16) – The AIP establishes a basis for a final agreement that will give greater decision-making powers to the Gwich'in and the Inuvialuit, and to all other residents of the Beaufort-Delta as well. It describes a new government system for the region that would include a public Regional Government, a Gwich'in Government, an Inuvialuit Government and public community governments. The AIP contains 29 chapters, covering subjects such as culture and language, education, out-of-school care, local government operations, training, health care, income support, child and family services and adoption.

What Next?

Final Agreement negotiations are underway. Negotiators will now complete the work required to get to a final agreement. The negotiating team will be visiting communities to communicate the progress of negotiations and to get input.

The Last Three Reelers dance troupe performed a traditional Gwich'in dance at the Beaufort-Delta Self-government Agreement-in-Principle signing ceremony.

Tłı̨cho Negotiations

The **Tłı̨cho** negotiations involved a land claim and a self-government agreement at the same time. These negotiations were between the Dogrib Treaty 11 Council, the Government of Canada and the Government of the Northwest Territories.

Highlight of the Year

Tłı̨cho Agreement signed (Rae, August 25) – This Agreement is the first combined land claim and self-government agreement in the NWT. It will create the largest single block of First Nation owned land in Canada (approximately 39,000 km²), and provide new systems of self-government for the **Tłı̨cho** First Nation. The **Tłı̨cho** Government will receive approximately $150 million, which will be paid over a period of years. It will also receive a share of resource royalties from the Mackenzie Valley.

What Next?

The agreement has been ratified by the **Tłı̨cho** First Nations and the Government of the Northwest Territories. The **Government of Canada must now enact federal settlement legislation** in order to ratify and implement the agreement. The federal legislation is expected to be introduced into the House of Commons this spring. An **implementation plan** has been prepared and will be monitored and managed by a committee where all three Parties to the agreement are represented.

The celebration continued long after the formal signing ceremony of the **Tłı̨cho** Agreement was done. **Tłı̨cho** people who had made the journey from their communities to Rae by canoe for the historic signing gathered for an afternoon of drumming and dancing.

Deh Cho Process Negotiations

The Deh Cho Process is a negotiation on land, resources and governance that involves the Deh Cho First Nations (DCFN), the Government of Canada and the Government of the Northwest Territories.

Highlights of the year

Interim Resource Development Agreement (IRDA) signed (Fort Providence, April 17) – The IRDA is a part of the Deh Cho Interim Measures Agreement signed in 2001. In it, the Government of Canada agrees to share an amount equal to a percentage of resource royalties collected in the Mackenzie Valley. The agreement requires that Canada and the DCFN work together to initiate an issuance cycle for oil and gas exploration licences within one year.

Approximately 34% of the Deh Cho region protected through Interim Land Withdrawals (August 13) – After consultations with Deh Cho community members and third parties, such as mining companies, environmental groups, prospectors and oil and gas companies, a withdrawals map was finalized. Certain areas of the Deh Cho territory are now protected from new development for five years, while other areas remain open for new development.

Deh Cho Process website launched (April) – The address of this Government of Canada site is www.ainc-inac.gc.ca/DehCho.

What next?

The Government of Canada and the DCFN will continue their work to **implement the oil and gas issuance cycle required by the IRDA.**

Agreement-in-Principle (AIP) negotiations are underway. Negotiators will be discussing long-term options for land, resource and governance arrangements and hope to reach an AIP in the next three to four years.

People travelled to Fort Providence from all over the Deh Cho region to celebrate the completion of their Interim Land Withdrawals and the signing of the Deh Cho Interim Resource Development Agreement. Before the signing, they gathered at the arbour to give thanks and feed the fire.

Akaitcho (NWT Treaty 8) Negotiations

The Akaitcho (NWT Treaty 8) negotiations focus on land, resources and governance. The Parties to the negotiation are the Akaitcho Territory Dene First Nations, the Government of Canada and the Government of the Northwest Territories.

Highlight of the year

Progress on implementing Interim Measures Agreement (IMA) – The IMA establishes temporary arrangements that clarify the role of the Akaitcho Dene First Nations in resource management decisions in their region while an agreement is being negotiated. Pre-screening processes are being developed to lay out how the Akaitcho Dene First Nations will be consulted on applications for water licences and land use permits. A process for the Disposition of Surface Federal Crown Lands is now in place.

What next?

Agreement-in-Principle (AIP) negotiations will address outstanding land, resource, and governance issues. The current focus for negotiations is on resolving land-related issues.

The NWT Treaty 8 Tribal Corporation launched a new website in 2003 that provides information about their negotiations on-line.

Northwest Territory Métis Nation Process Negotiations

The Northwest Territory Métis Nation Process is a unique process for Métis people indigenous to the South Slave region prior to 1921 and their descendants. It is a two-stage negotiation with a land and resources AIP in stage one, followed by the negotiation of self-government in stage two which may begin when the land and resources AIP is signed. The parties to negotiation are the Northwest Territory Métis Nation (NWTMN), the Government of Canada and the Government of the Northwest Territories.

Highlight of the year

Interim Measures Schedules completed – The NWTMN Interim Measures Agreement established temporary arrangements that clarify the role of the NWTMN in resource management decisions while negotiations are taking place. To give effect to this agreement Schedules outlining pre-screening processes were developed in eight areas: Land Use Permits; Water Licences; Surface Federal Crown Lands; National Parks and Protected Areas; Territorial Parks; Commissioner's Lands; Travel and Tourism; and Forest Management.

What next?

Agreement-in-Principle (AIP) negotiations are underway and a draft AIP is anticipated this fall. The NWTMN will then consult their members on the draft.

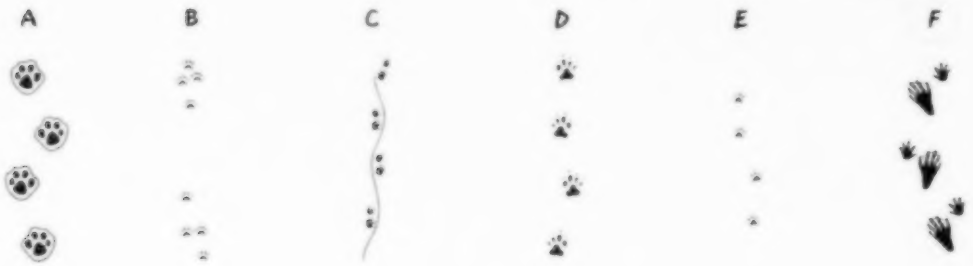
The NWTMN Process negotiations take place monthly. Negotiations are now focusing on reaching an Agreement-in-Principle on land and resources.

Readers can find out more about these negotiations and their achievements by reading past issues of *Plain Talk* on the web at www.ainc-inac.gc.ca/ht/pt or on the Department of Indian Affairs

Just Plain Fun

Winter is upon us. The ground is blanketed in snow and you decide to go out for a stroll, but you soon realize that you're not the only one who is out for a walk! There are 6 different sets of tracks in the snow. Do you know which tracks belong to which animal? Draw a line from the tracks to the animal you think it belongs to.

Beaver Fox Lynx Muskrat Otter Wolf



There are more facts, games and activities on DIAND's Youth Buzz
http://nwt.inac.gc.ca/youthbuzz

ANSWERS
C. Wolf
B. Otter
E. Lynx
D. Muskrat
A. Beaver
F. Fox

You were asking...

Q What is the Powley decision?

A On September 19, 2003, the Supreme Court of Canada handed down its decision in the case of R. v. Powley. It found that the Métis community at Sault Ste. Marie has a constitutionally-protected right to hunt for food. It is an important ruling because it was the first Supreme Court judgment to address the question of whether Métis communities can possess Aboriginal rights under section 35 of the *Constitution Act, 1982* and provided a legal test to identify Métis communities. Government will be working with Métis organizations to understand the decision and its impacts. You can read the Powley decision on the web. Supreme Court of Canada rulings are posted at www.lexum.umontreal.ca/csc-scc/en/rec/index.html, or call the Court Records Office at (613) 996-7933.

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact the address listed below.

OUR VISION

The NWT region of DIAND is a respected partner in a strong and healthy Northwest Territories.

We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in healthy ecosystems;
- northern control over northern resources;
- responsive and accountable northern government as partners; and
- national initiatives that reflect the interests of all Northerners.

On the web

Visit the following for more information:

Government of Canada programs and services
Government of Canada site:
www.gc.ca

DIAND
Northwest Territories Region site:
www.nwt-tno.inac-ainc.gc.ca

Various claims agreements
Indian and Northern Affairs Canada site:
www.ainc-inac.gc.ca/pr/agr/index_e.html

***Plain Talk* on the web**
Indian and Northern Affairs Canada site:
www.ainc-inac.gc.ca/nt/pt/index_e.html

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